

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
January 7, 2015

The following items are discussed in these minutes:

THE BERKSHIRES, PHASE II – APPROVED
GLENDELL, PLAT O – APPROVED
COVE ESTATES, PLAT G – APPROVED
VILLA D’ESTE, PHASE I – APPROVED
CASCADE ESTATES, PLAT A – APPROVED
2015 MODERATE INCOME HOUSING REPORT – RECOMMEND APPROVAL
BRIGHTON TOWERS – RECOMMEND APPROVAL

STUDY SESSION

PLACE – Orem City Main Conference Room

At 3:30 p.m. Chair Moulton called the Study Session to order.

Those present: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison; Ryan Clark, City Economic Director; Susie Becker and Cecily Buell, Zion’s Bank Public Finance and Loriann Merritt, Minutes Secretary

Those excused: Michael Walker, Planning Commission member

The Commission and staff briefly reviewed agenda items and minutes from December 3, 2014 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and asked Becky Buxton, Planning Commission member, to offer the invocation.

Those present: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

Those excused: Michael Walker, Planning Commission member

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

AGENDA ITEM 3.1 is a request by Scott Sykes to approve the preliminary plat of **THE BERKSHIRES, PHASE II SUBDIVISION** at 1500 South Carterville Road in the PD-18 zone.

“Planning Commission minutes for January 7, 2015”

Staff Presentation: Mr. Stroud said the applicant owns six lots of record which he proposes to combine and create an 11-lot subdivision. The property in this request was recently rezoned from the R20 zone to the PD-18 zone and will become part of The Berkshires Home Owners Association.



Access will be provided through private roads with no anticipated lot access from Carterville Road. The subject property has significant topographical changes with three tiers of buildable areas present. The lots have been situated in such a way as to not disturb the slope areas with the buildable areas of the lots. Requirements contained in Chapter 17 of the City Code prevent any area with a slope of 35% or greater from being disturbed. There are areas of the proposed subdivision which are approximately 35% but have been located outside the buildable area of the lot. The two existing homes on site

will be removed.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission approve the preliminary plat of The Berkshires Phase II Subdivision at 1500 South Carterville Road in the PD-18 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the preliminary plat of The Berkshires, Phase II with 11 lots at 1500 South Carterville Road. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

AGENDA ITEM 3.2 is a request by Richard Kartchner to vacate Lot 1 of Glendell Subdivision, Plat C and approve the preliminary and final plat of **GLENDELL SUBDIVISION, PLAT O** at 80 West 1700 South

Staff Presentation: Mr. Stroud said the applicant represents family members which have an interest in a large lot of record in addition to a platted lot with a dwelling. The applicant requests approval to subdivide the existing lot of record into a preliminary plat with eight lots to include a developed lot containing a dwelling as a ninth lot.



The full eight vacant lots are not desired at this time so the applicant proposes a final plat with two lots (one vacant and one with the existing house) and the full installation of 80 West and 1700 South. All improvements for seven of the eight preliminary vacant lots (water, sewer, curb, gutter, and sidewalk) will be constructed, however. This will prevent the cutting of a new road to install utility laterals when additional lots are needed and recorded on a future plat.

The remaining eighth vacant lot of the preliminary plat will have improvements installed at the time when Glendell Drive is completed. This lot (Lot 9 on proposed preliminary plat) is large enough to create several lots.

“Planning Commission minutes for January 7, 2015”

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate Lot 1 of Glendell Subdivision Plat C and approve the preliminary plat and final plat of Glendell Subdivision Plat O at 80 West 1700 South in the R8 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Whetten asked if the future subdivision will be required to have a cul-de-sac. Mr. Stroud indicated this was conceptual. This is just to show that approving this will not eliminate future development.

Ms. Larsen asked if Lot 8 will become Lot 1 on the new plat and Lot 7 becomes Lot 2.

Mr. Whetten noted that 80 West will be connected to Main Street. He then asked why not subdivide the entire road. Mr. Stroud said that last year there was a single lot subdivision that came through, but never finished. The decision of what to plat is up to the owner.

Ms. Jeffreys asked about the improvements on Main Street. Mr. Whetten said there is a large tree in the street. Mr. Stroud said the tree in the street will need to be removed and curb, gutter and sidewalk will be installed.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Wayne Glover, Orem, asked if after this is approved will the property lose their greenbelt status and not be able to have large animals. Mr. Stroud said that greenbelt is a tax break at the County and does not have anything to do the number of animals allowed. The number of animals is controlled by the City Code. On one acre they can have up to five large animals. Mr. Glover said in the middle of the property there is a family park and a large berry patch, he wondered what determines if those sections can be counted towards the number for allowed animals. Mr. Stroud said they would still be allowed the number of animals per acre with what is left. Mr. Glover said in the past there has been a problem with flies and odor. Mr. Stroud said that barns, pens and corrals need to be 100 feet away from housing and public road. Chair Moulton noted the measurement is not from a property line, but from a building. Mr. Stroud said he defines a barn, pen or corral as small enclosed space. A pasture does not qualify as a barn, pen or corral.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Whetten said he has found that neither the public nor any person will be materially injured by vacating Lot 1 of Glendell Subdivision, Plat C and that there is good cause for the vacation. He then moved to:

1. Vacate Lot 1 of Glendell Subdivision, Plat C; and
2. Approve the Preliminary and Final Plat of Glendell Subdivision, Plat O with two lots at 80 West 1700 South.

Vice Chair Iglesias seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

AGENDA ITEM 3.3 is a request by Todd Pedersen to vacate Lots 1 & 2 of Cove Estates Subdivision and approve the final plat of **COVE ESTATES SUBDIVISION, PLAT G** at 1384 East 1010 North in the R12 zone.

Staff Presentation: Mr. Spencer said the subject property currently includes two single family residences. In 2013 additional property was acquired by each home owner with the sale of the Cascade Golf Course and subsequent development of the adjacent soccer fields and park. The proposed subdivision shows the additional property to be included with the existing two (2) lots. Both lots exceed the square footage requirements of the R12 zone with Lot 1 at 36,856 square feet and Lot 2 at 28,809 square feet.

“Planning Commission minutes for January 7, 2015”

Recommendation: Based on the compliance with all applicable City codes, staff recommends the Planning Commission approve the request to vacate Lots 1 and 2 of Cove Estates Subdivision and approve the final plat of Cove Estates Subdivision Plat G, at 1384 East 1010 North in the R12 zone.



Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Jeffreys said she has found that neither the public nor any person will be materially injured by vacating Lots 1 and Lot 2 of Cove Estates Subdivision and that there is good cause for the vacation. She then moved to:

1. Vacate Lots 1 and 2 of Cove Estates subdivision, and
2. Approve the final plat of Cove Estates Subdivision, Plat G with two lots at 1384 East 1010 North.

Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.4** as follows:

AGENDA ITEM 3.4 is a request by Bruce Dickerson to vacate a portion of Villa D’este Subdivision, Plat A and approve the final plat of **VILLA D’ESTE SUBDIVISION, PHASE 1** at 1100 West 950 North in the PD-22 zone.

Staff Presentation: Mr. Spencer said the subject property currently is under construction. A detention pond has been built and building permits for two (2) of the buildings for the approved Villa D’Este plat have been issued. The applicant is proposing to subdivide each of the buildings into stacked condominium units. The proposed Phase 1 plat includes twenty (20) stacked condominium units as well as parking for each unit totaling forty (40) stalls. Each building in the approved Villa D’Este development will be subdivided by plat into condominium units. There are a total of six (6) buildings.



Recommendation: Based on the compliance with all applicable City codes staff recommends the Planning Commission vacate a portion of Villa D’Este Subdivision Plat A and approve the final plat of Villa D’Este Subdivision Phase 1 at 1100 West 950 North in the PD-22 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Ms. Jeffreys asked if there is only one building. Mr. Spencer said there are three buildings; this application applies to the first building.

Mr. Whetten asked if this was more density. Mr. Spencer said this is just condominiumizing the plat.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

“Planning Commission minutes for January 7, 2015”

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Buxton said she has found that neither the public nor any person will be materially injured by vacating a portion of Villa D’Este, Plat A and that there is good cause for the vacation. She then moved to:

1. Vacate a portion of Villa D’Este, Plat A, and
2. Approve the Final Plat of Villa D’Este Subdivision, Phase 1 with 20 units at 1100 West 950 North.

Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.5** as follows:

AGENDA ITEM 3.5 is a request by Cascade Estates LLC to vacate John Stratton Subdivision, Plat A, and Lot 1 of Cascade View Subdivision, Plat G Amended, Lot 1 of Cascade View Subdivision, Plat J, a portion of Lots 69, 70, 71, 72 and 73 of Knight Subdivision and approve the final plat of **CASCADE ESTATES SUBDIVISION, PLAT A** at 720 North 1000 East in the R8 zone.

Staff Presentation: Mr. Spencer said that much of the subject property was included in September 2014 preliminary plat approval of Cascade Estates subdivision with the exception of the John Stratton property. The approved preliminary plat included thirty-eight (38) single family lots. Because of line and lot size changes since the initial approval, the proposed plat shows a total of thirty-six (36) lots. Each lot meets the minimum ordinance requirements for the R8 zone. There are currently existing homes on Lots 13, 14 and 34 which will remain.



Lot 34 of the proposed subdivision is the John Stratton property and requires portions of 720 North and 1000 East to be vacated to be developed as proposed. An application for a street vacation for this property will be heard by the City Council on January 13, 2015. Approval of this proposed plat will be conditional on the approval of the street vacation.

Also, the applicant’s engineer has come across several lots of the Knight Subdivision that must be vacated as part of this application as well. These lots are located along 1000 East and many have other subdivisions approved on them, but the original Knight Subdivision has never been vacated, which this proposal addresses.

Recommendation: Based on the compliance with all applicable City codes staff recommends the Planning Commission approve the request to vacate John Stratton Subdivision Plat A, Lot 1 of Cascade View Subdivision Plat G Amended, Lot 1 of Cascade View Subdivision Plat J, portions of Lots 69, 70, 71, 72, and 73 of Knight Subdivision and approve the final plat of Cascade Estates Subdivision Plat A, at 720 North 1000 East in the R8 zone on the condition that the City Council approve the necessary street vacations of 720 North and 1000 East at the January 13, 2015 meeting.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Vice Chair Iglesias asked what is the width of the current street. Mr. Spencer said it is 66’. Mr. Spencer said they are vacating 48’ along 1000 East Street. It will be a buffered sidewalk with curb and gutter.

Mr. Goodrich said the old 66’ width was a County standard, which Orem City does not use it now. The improvements will match the surrounding development.

“Planning Commission minutes for January 7, 2015”

Mr. Whetten asked why the street vacation ends 100 feet from 800 North. Mr. Bench said the Knight Subdivision was recorded in 1922; obviously the road width has changed over time. He noted the vacation of 1000 East goes to 800 North.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Chair Moulton said he has found that neither the public nor any person will be materially injured by vacating John Stratton Plat A, Lot 1 of Cascade View Subdivision, Plat J, a portion of Lots 69, 70, 71, 72, and 73 of Knight Subdivision and that there is good cause for the vacation. He then moved to:

1. Vacate John Stratton Plat A, Lot 1 of Cascade View Subdivision, Plat J, a portion of Lots 69, 70, 71, 72, and 73 of Knight Subdivision; and
2. Approve the final plat of Cascade Estates Subdivision, Plat A with 36 lots at 720 North 1000 East.

Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.6** as follows:

AGENDA ITEM 3.6 is a request by Development Services to review the proposed **2014 MODERATE INCOME HOUSING REPORT**.

Staff Presentation: Mr. Stroud said that State Law asks that the City Council biennially review the Moderate Income Housing section of the General Plan. Section 10-9a-408 of the Utah Code does not require the Planning Commission to review the report. However, staff feels the Planning Commission should be included in the review process and provide comments or suggestions to the City Council.

Each report shall include a description of:

- efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
- actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing;
- progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and
- efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.

State Code defines moderate income housing as housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

As an example, a family of four living in the Orem/Provo Metropolitan Statistical area would have to earn less than or equal to \$51,350 dollars. Single-family housing is generally eliminated for the 80% income demographic. Housing stock for moderate incomes is usually limited to attached units of apartments, townhomes, or condominiums as the rent/cost is less than the monthly mortgage payment on a single-family dwelling.

The City provides several mechanisms for creating moderate income housing. The PRD zone and PD zone allow for high density development. In the last year or so, the City has approved over 1,163 attached units within various PD zones and to lesser extent additional units in the PRD zone. Of these units, only one project with 120 units has yet to begin construction. Accessory apartments, multi-family exceptions, and assisted senior housing also provide options of moderate income housing.

“Planning Commission minutes for January 7, 2015”

According to 2010 Census figures, Orem’s housing stock consists of 30.4% “housing units in multi-unit structures.” The statewide average is 21.4 percent. Current estimates by staff identify the percentage of multi-family units closer to 35% of the existing housing stock in the City.

The City is currently working on a State Street Master Plan which will identify housing options along State Street. High density residential, if any, is the only appropriate residential use along this corridor. The City is working with Mountainlands Association of Governments, Provo City, UDOT, and UTA to develop this plan.

Recommendation: The Development Review Committee requests the Planning Commission review and comment on the proposed 2014 Moderate Income Housing Report as required by State Law.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Ms. Jeffreys noted the apartments that have come in are high end and would not qualify for moderate housing. Mr. Stroud indicated the City cannot control what is charged for rent. He noted he is working on a text amendment called Inclusionary Zoning. There are some cities that require a developer of a high rise development to provide X amount of units for low to moderate income. There are some questions in the planning realm around the legality of doing this. The Utah County Housing Authority would administer those designated units.

Mr. Whetten asked what the City has learned from the review process and what is changing. Mr. Stroud indicated that the City currently has no teeth in the ordinance to have low to moderate income housing. This will be a way to provide some housing.

Mr. Whetten said he has noticed that the majority of developments coming through are PD or PRD zones and he has not seen a lot of the low density zones, like R5, R6 etc. Mr. Stroud said the R5 zone is no longer in use. He added that the PD/PRD zones are more cost effective.

Mr. Whetten asked if the City offers any incentives to moderate income housing. Mr. Bench said the City does allow accessory apartments, which is helpful to moderate income housing. Ms. Larsen asked what was required for an accessory apartment. Mr. Stroud said:

1. The home needs to be owner occupied,
2. Two bedrooms maximum,
3. 1200 square foot total, and
4. It needs to be part of the building.

He noted that it costs about the same to retrofit as to build in a new home. Mr. Bell added that the accessory apartment needs to have its own entrance and heating. The law states they cannot share the same air.

Mr. Stroud said the State Street study will probably bring in more housing and so staff is trying to be ahead of the game.

Mr. Whetten said that older homes also meet the moderate income need. He asked if there were any grants to help moderate income owners to stay in their homes. Mr. Stroud indicated the City does have CDBG grants for renovation for low income residents. It is either a low interest loan or the Feds pay depending on the income of the resident. Mr. Bell said these are for homeowners who want to repair their homes.

Mr. Whetten said that Park City had similar regulations and so they would build the high end structures in Park City and build the low/moderate structure in Wasatch County. Wasatch County did not like that and shut that down.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

“Planning Commission minutes for January 7, 2015”

Planning Commission Action: Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council approve the Biennial review of Orem City’s moderate income housing report. Vice Chair Iglesias seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

AGENDA ITEM 4.1 is a request by Bruce Dickerson to amend **SECTION 22-11-35(K) OF THE OREM CITY CODE PERTAINING TO RETAIL SPACE REQUIREMENTS OF THE PD-22 ZONE, AMENDING SECTION 22-11-35(L)(4)(B) PERTAINING TO PARKING REQUIREMENTS IN THE PD-22 ZONE, AMENDING APPENDIX ‘Q’ OF THE OREM CITY CODE PERTAINING TO THE CONCEPT PLAN OF THE PD-22 ZONE AND AMENDING ARTICLE 22-5-3(A) OF THE OREM CITY CODE AND THE ZONING MAP OF OREM CITY BY CHANGING THE ZONE ON APPROXIMATELY 1.90 ACRES LOCATED GENERALLY AT 958 NORTH 1200 WEST FROM THE HIGHWAY SERVICES (HS) ZONE TO THE PD-22 ZONE.**

Staff Presentation: Mr. Spencer said the property proposed for rezone is the former Heringer Marine property. The current site borders the PD-22 zone on three sides and has frontage along 1200 West.



The applicant is proposing to remove the existing building and construct a five (5) story office building similar to the Security Metrics building on 1600 North. The proposed building contains approximately 77,500 square feet of leaseable area and has an overall height of seventy-four (74') feet.

Section 22-11-35(K) of the Orem City Code which designates different area classifications within the PD-22 zone will be amended to add Area D to the PD-22 zone text. Area D is designated for the office tower and allows a height of ninety-six (96) feet. It also does not require a retail component in the building.

As part of this application, Appendix ‘Q’ of the Orem City code will be updated showing increased building heights for the proposed office building, and updating the original concept plans pertaining to the PD-22 zone reflecting the changes that have taken place on the site. The following pages of Appendix ‘Q’ are included in the proposed amendment:

Page & Title:

- Q.3A-1 Overall Concept Plan
- Q-4 Exhibit “B” Overall Concept Plan
- Q-12 PD-22 Zones (Shows Areas A, B, C and D)
- Q-13 PD-22 Zones (Shows properties in PD-22 zone)
- Q-14 Public Streets, Building Heights, and Land Uses
- Q-15 General Open Spaces
- Q-18 Storm Drainage Plan
- Q-19 Office Building Elevation

When the PD-22 zone was approved there was an elevation included as part of Appendix ‘Q’ for a mixed use tower, similar to the tower being proposed except that there is no residential use in the proposed office building? The proposed building elevations for the tower show a color scheme that matches the Tuscan intent of the PD-22 zone.

The property will be accessed from 950 North Street and will have cross access easements across all the adjacent properties in the PD-22 zone. A Traffic Impact Study (TIS) has been done to measure the effect the new building will have on existing traffic. A final plat will also be required before building permits can be issued for the building.

“Planning Commission minutes for January 7, 2015”

The applicant is also proposing to reduce the amount of parking necessary for non-residential areas in the PD-22 zone from five stalls (5) per thousand square feet to four stalls (4) per thousand square feet. The Security Metrics building in the PD-28 zone requires the same amount of parking as is being proposed. The PD-28 zone defers to the HS zone parking standard which is one stall (1) per 250 leaseable square feet, or four stalls (4) per thousand, which has been more than adequate. The proposed building is identical to the Security Metrics building with some slight modifications to the exterior.

There is currently an agreement in place between the Northgate property owners and Winco that allows Winco to have control of part of the parking area adjacent to their store. The proposed parking amendment will allow the applicant to legally meet the parking requirement without encumbering on any parking which Winco has control of via the above mentioned agreement.

A site plan for the building is being processed and will come before the Planning Commission at a later date. The City Council will hear the proposal for the rezone and amendments to Appendix ‘Q’ at on January 27, 2015.

Traffic: According to the traffic impact study, the City Traffic Engineer has outlined four (4) items that need to be included in a development agreement in order to accommodate the amount of traffic this site will produce. The following improvements are recommended to be provided by the proposed development in the site plan approval process if the new zone is approved:

1. Eliminate on-street parking on 950 North and repaint 950 North with a 3-lane typical section.
2. The sight distance at 950 North 1200 West does not meet AASHTO “Green Book” standards. The site plan will need to provide a 445-foot clear sight line from 950 North southward along 1200 West (through the existing Heringer Marine building location).
3. Pavement marking changes are needed at the 950 North 1200 West intersection. The Hales report shows a striping concept plan in Appendix E. Pavement marking changes are also needed for the north leg of 1200 West at the 950 North intersection.
4. A Traffic Signal Equipment Easement should be required at the intersection of 950 North 1200 West. Although the proposed development is not expected to generate traffic levels that would warrant installing a signal with the project, signal warrants may be met in the future as growth continues in the area.

General Plan: The General Plan designation for the proposed rezone is Regional Commercial. The proposed use as an office tower meets the requirements of the General Plan which states “to serve as a place of employment in pleasant surrounding close to the center of the regional population it is intended to serve”.

Neighborhood Meeting: A neighborhood meeting was held on July 31, 2014. Only one person was in attendance was Mr. Heringer. There was no opposition to the proposed rezone.

After reviewing the proposed rezone and ordinance amendment, staff has listed some advantages and disadvantages in respect to the proposal.

Advantages of the proposal:

- Incorporates property directly adjacent to the PD-22 zone into the zone to improve uniformity in the area;
- Increases the amount of office space in the area, which was originally proposed with the PD-22 zone;
- Increases the line of sight along 1200 West and 950 North with the existing building removed.

Disadvantages of the proposal:

- Possible negative traffic effects with the increase of traffic associated with the office building. However, mitigation measures outlined in the TIS and subsequent development agreement will help address those concerns.

“Planning Commission minutes for January 7, 2015”

Recommendation: Based on the advantages outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council the request to amend Section 22-11-35(K) of the Orem City Code pertaining to retail space requirements of the PD-22 zone, amend Section 22-11-35(L)(4)(b) pertaining to parking requirements in the PD-22 zone, amend Appendix ‘Q’ of the Orem City Code pertaining to the concept plan of the PD-22 zone and amend Article 22-5-3(A) of the Orem City Code and the zoning map of Orem City by changing the zone on approximately 1.90 acres located generally at 958 North 1200 West from the Highway Services (HS) zone to the PD-22 zone.

Section 22-11-35(K)

K. Minimum Retail Space Requirement. Retail uses that generate sales tax shall be required in the PD-22 zone as follows (for area designations refer to Appendix “Q” page Q.102):

1. Area A. No retail required in this area.
2. Area B. At least fifty percent (50%) of the ground floor area shall be dedicated to retail uses.
3. Area C. At least seventy percent (70%) of the ground floor area shall be dedicated to retail uses.
4. Area D. No retail required in this area.

Section 22-11-35(L)(4)(b)

4. Parking

b. Nonresidential Areas. Buildings containing only nonresidential uses shall provide four (4) ~~five~~ ~~(5)~~ parking spaces for every one thousand (1000) square feet of gross leaseable floor area.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Ms. Buxton asked about the traffic in this area. Mr. Goodrich reviewed the six areas of the Development Agreement Items for Brighton Towers.

1. Eliminate on-street parking on 950 North, and repaint 950 North with a 3-lane typical section.
2. The sight distance at 950 North 1200 West does not meet AASHTO “Green Book” standards. The site plan will need to provide a 445 foot clear sight line from 950 North southward along 1200 West (through the existing Heringer Marine building location).
3. Pavement marking changes are needed at the 950 North 1200 West intersection. The Hales report shows a striping concept plan in Appendix E. Pavement marking changes are also needed for the north leg of 1200 West at the 950 North intersection.
4. A Traffic Signal Equipment Easement should be required at the intersection of 950 North 1200 West. Although the proposed development is not expected to generate traffic levels that would warrant installing a signal with the project, signal warrants may be met in the future as growth continues in the area.
5. The curb line along 1200 West will be improved as per engineering at the intersection of 950 North
6. Plant required trees with a minimum 7’ high canopy to accommodate AASHTO standards.

Mr. Whetten asked if Winco needs the extra stalls. Mr. Spencer said that Winco has indicated they need the stalls.

Mr. Bench said the applicant for the PD-22 zone came in 2002/2003 and asked for the 5 stalls per 1000 square feet. The City’s standard is 4 stalls per 1000 square feet. The City is comfortable with the 4 per 1000 square feet.

Mr. Goodrich noted that the original design had a higher office building where Winco is now located. It was determined that the traffic would be alright with a much taller structure when this was approved.

Ms. Buxton said she is not a fan of big buildings, but this a great place for a high rise building. She is concerned about the parking, when the trend in high-tech jobs is to put more people in smaller areas.

“Planning Commission minutes for January 7, 2015”

Mr. Whetten said there are many things he likes about this application. He is concerned though with the parking reduction. He is a realtor and many of his clients are looking at 5-8 stalls per 1000 square feet. The trend is going down in parking requirements. He wondered if Winco is over parked, is there a way for the parking from here to spill over.

Ms. Jeffreys asked if businesses have parking issues, do they build parking towers. Mr. Whetten said they purchase more land, because it is costly to build up.

Ms. Buxton said there is a lot of the parking lot not being used and with the Vineyard growth they will come up the hill to Winco to shop. If a parking reduction is allowed and there are issues, it not only hurts the developers, but the City also for allowing it. She added that it would be helpful to have a parking study to show that the reduction is a positive thing. Mr. Goodrich said the developer's traffic engineer could also do a parking analysis. He indicated the applicant has been talking with the future business and they are happy with the 4 per 1000 recommendation.

Mr. Bench said the City standards have been successful for many years.

Mr. Whetten said he would rather have a professional analyze the parking reduction.

Ms. Jeffreys asked what would happen if the site plan was changed to 5 stalls per 1000 square feet. Mr. Bench the building would lose a floor.

Mr. Earl asked Mr. Whetten if the parking is a deal breaker for buildings. Mr. Whetten indicated it does eliminate sites, companies are going to Lehi because of the space.

Chair Moulton invited the applicant to come forward. Mr. Dudley introduced himself.

Mr. Dudley said he was not sure about the cross easements on the property. Mr. Earl said there are no cross easements. Ms. Larsen noted that people can park in the parking lot and access all the buildings and probably will not be kicked out. Mr. Whetten said a business building is a little different, because the parking stalls are used all day five days a week and is not as fluid as the commercial businesses on site.

Vice Chair Iglesias expressed concern about the parking. He indicated that there is more need for Class A office space, but a business will leave if there is not enough parking for their employees.

Mr. Goodrich said that is why they want to have the traffic language in the development agreement to make sure things happen.

Mr. Whetten said he is comfortable with everything, but hoped the applicant can broker something with Winco to share parking.

Ms. Buxton asked if it would be a possibility to have a parking study. Mr. Dudley suggested the applicant could do a parking study before the City Council meeting in order to show them some numbers for comparison.

Vice Chair Iglesias said he was comfortable with Mr. Dudley's suggestion. The City is business friendly, but they want to provide for future parking needs.

Ms. Larsen asked if the parking was increased to 6 or 7 stalls per 1000 square feet what would happen to the site. Mr. Dudley said that at a certain point it is not profitable and would kill the project. Ms. Larsen reiterated that when this came in years ago the parking for a high rise was looked at and found to be sufficient.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

“Planning Commission minutes for January 7, 2015”

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. He called for a motion on this item.

Mr. Whetten suggested moving this item forward with a recommendation to have 5 stalls per 1000 square feet with a parking study for the City Council discussion. Ms. Buxton pointed out that increasing to 5 stalls would nullify the application. She suggested moving it forward and let the City Council use the parking study to help determine the need for reducing to 4 stalls per 1000 square feet.

Planning Commission Action: Ms. Buxton said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend Section 22-11-35(K) of the Orem City Code pertaining to retail space requirements of the PD-22 zone, amend Section 22-11-35(L)(4)(b) pertaining to parking requirements in the PD-22 zone, amend Appendix ‘Q’ of the Orem City Code pertaining to the concept plan of the PD-22 zone and amend Article 22-5-3(A) of the Orem City Code and the zoning map of Orem City by changing the zone on approximately 1.90 acres located generally at 958 North 1200 West from the Highway Services (HS) zone to the PD-22 zone. Vice Chair Iglesias seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of December 9, 2014. Chair Moulton moved to approve the meeting minutes for December 9, 2014. Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

ADJOURN: Chair Moulton called for a motion to adjourn. Ms. Buxton moved to adjourn. Ms. Larsen seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

Adjourn: 6:11 p.m.

Jason Bench
Planning Commission Secretary

Approved: January 21, 2015